

HOUSE BILL No. 5650

(As amended March 7, 2006)

February 8, 2006, Introduced by Rep. Ward and referred to the Committee on House Oversight, Elections, and Ethics.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending section 477 (MCL 168.477), as amended by 1999 PA 219.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 477. (1) The ~~board of state canvassers~~ [FOURTH DISTRICT OF
2 **THE STATE COURT OF APPEALS**] shall make an official declaration of the
sufficiency
3 or insufficiency of a petition under this chapter at least 2 months
4 before the election at which the proposal is to be submitted. **THE**
5 **[FOURTH DISTRICT OF THE STATE COURT OF APPEALS] SHALL DECLARE THE**
PETITION SUFFICIENT
6 **UNLESS [IT] DETERMINES THAT THE PETITION IS NOT IN PROPER FORM**
7 **OR THAT THE NUMBER OF VALID SIGNATURES IS LESS THAN THE MINIMUM**
8 **NUMBER REQUIRED. IN DETERMINING THE SUFFICIENCY OF THE FORM OF THE**

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PETITION, THE [FOURTH DISTRICT OF THE STATE COURT OF APPEALS] SHALL NOT CONSIDER THE

SUBSTANCE OF THE PROPOSAL AFFIXED TO THE PETITION. If the ~~board of~~

~~state canvassers~~ [FOURTH DISTRICT OF THE STATE COURT OF APPEALS] declares that the

petition is sufficient, the secretary of state shall send copies of

the statement of purpose of the proposal ~~as approved by the board~~

~~of state canvassers under section 474~~ to the several daily and

weekly newspapers published in this state, with the request that

the newspapers give as wide publicity as possible to the proposed

amendment or other question. Publication of any matter by any

newspaper under this section shall be without expense or cost to

~~the~~ THIS state. ~~of Michigan.~~

(2) For the purposes of the second paragraph of section 9 of

article II of the state constitution of 1963, a law that is the

subject of the referendum continues to be effective until the

referendum is properly invoked, which occurs when the ~~board of~~

~~state canvassers~~ [FOURTH DISTRICT OF THE STATE COURT OF APPEALS] makes
[its

] official declaration of the sufficiency of the referendum

petition. The ~~board of state canvassers~~ [FOURTH DISTRICT OF THE STATE

COURT OF APPEALS] shall complete the canvass of a referendum petition

within 60 days after the petition is filed with the secretary of

state, except that 1 15-day extension may be granted by the

secretary of state if necessary to complete the canvass.

[(3) THE FOURTH DISTRICT OF THE STATE COURT OF APPEALS SHALL NOTIFY THE SECRETARY OF STATE BEFORE SEPTEMBER 1, 2006 IF THE FOURTH DISTRICT OF THE STATE COURT OF APPEALS DECLINES TO MAKE THE OFFICIAL DECLARATION OF THE SUFFICIENCY OR INSUFFICIENCY OF PETITIONS UNDER THIS SECTION.

(4) IF THE SECRETARY OF STATE RECEIVES NOTICE FROM THE FOURTH DISTRICT OF THE STATE COURT OF APPEALS UNDER SUBSECTION (3), THE STATE DIRECTOR OF ELECTIONS SHALL MAKE THE OFFICIAL DECLARATION OF THE SUFFICIENCY OR INSUFFICIENCY OF THE PETITIONS.

(5) AT LEAST 30 DAYS BEFORE THE ELECTION AT WHICH A BALLOT PROPOSAL IS TO BE SUBMITTED, A FISCAL IMPACT ANALYSIS OF THE BALLOT PROPOSAL SHALL BE PREPARED BY THE STATE BUDGET DIRECTOR OR THE STATE TREASURER, THE DIRECTOR OF THE SENATE FISCAL AGENCY, AND THE DIRECTOR OF THE HOUSE

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**FISCAL AGENCY, OR THEIR RESPECTIVE DESIGNEES. A SUMMARY OF THE FISCAL
IMPACT ANALYSIS, INCLUDING THE COST OF THE BALLOT PROPOSAL TO THIS STATE,
SHALL APPEAR ON THE BALLOT WITH THE BALLOT PROPOSAL LANGUAGE.]**

23 Enacting section 1. This amendatory act does not take effect

24 unless all of the following bills of the 93rd Legislature are

25 enacted into law:

26 (a) Senate Bill No. 973 or House Bill No.____ (request no.

27 04197'05 *).

1 (b) Senate Bill No. 974 or House Bill No.____ (request no.
2 05710'06).

3 (c) Senate Bill No. 975 or House Bill No.____ (request no.
4 05711'06).

5 (d) Senate Bill No. 976 or House Bill No.____ (request no.
6 05712'06).

7 (e) Senate Bill No.____ or House Bill No. 5648(request no.
8 05714'06).

9 (f) Senate Bill No.____ or House Bill No. 5649(request no.
10 05715'06).